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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,549	01/23/2004	Paul Tang	2031231.0002	3203
27419	7590	11/17/2005	EXAMINER	
FASKEN MARTINEAU DUMOULIN LLP 4200 TORONTO DOMINION BANK TOWER BOX 20 TORONTO-DOMINION CENTRE TORONTO, ON M5K 1N6 CANADA			BELLAMY, TAMIKO D	
			ART UNIT	PAPER NUMBER
			2856	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/762,549

TANG, PAUL

EXAMINER

TAMIKO D. BELLAMY

ART UNIT

PAPER

2856

1

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Commissioner for Patents

In response to applicant's telephonic interview on 10/4/05 regarding the last Office action, the following corrective action is taken.

The period for reply of 1 MONTH set in said Office Action is restarted to begin with the mailing date of this letter.

## DETAILED ACTION

### *Election/Restrictions*

1. Election mailed 9-8-05 is withdrawn, and a new restriction is as follows:
2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claim 1-5, drawn to a testing medium comprising a gas, classified in class 62, subclass 100.
  - II. Claims 6-20, drawn to method of using a gas, classified in class 73, subclass 1.16+.
  - III. Claims 21-24, drawn to method for cooling a test medium, classified in class 73, subclass 1.01.
3. Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the product can be used a leak testing method.
4. Inventions I and III are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the process can be practiced with a naturally different test medium. Furthermore the product can be used without cooling a test medium.

Art Unit: 2856

5. Inventions II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, the process of proving a turbine meter can be performed without cooling. See MPEP § 806.05(d).

6. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

7. Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group III, restriction for examination purposes as indicated is proper.

#### ***Conclusion***

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamiko D. Bellamy whose telephone number is (571) 272-2190. The examiner can normally be reached on Monday - Friday 7:30 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Art Unit: 2856

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tamiko Bellamy

T.B.

November 10, 2005

  
HEZRON WILLIAMS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800